

Application No. 09/890,804
Art Unit 1731
Reply to Office Action of July 7, 2004

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

Claims 3, 6-9 and 11-20 were previously canceled without prejudice or disclaimer of the subject matter contained therein. Claim 21 is canceled herein without prejudice or disclaimer of the subject matter as well. Claims 1, 4, 5 and 22-24 have been amended. Claims 22-25 remain withdrawn. Thus, claims 1, 2, 4, 5, 10 and 22-25 are pending in the present application.

No new matter has been added by way of these amendments, since such amendments are supported by the present specification and are editorial in nature. For instance, the amendment to claim 1 is merely editorial in nature, since a repetitious term is deleted. Also, claim 1 incorporates the subject matter of claim 21. Further, the amendments to claims 4, 5 and 22-24 are clarifying in nature and are not narrowing in scope as well. By amending the claims to delete a term or to show proper antecedent basis, and in order to clarify the claimed invention, Applicants in no way are conceding any limitations with respect to the interpretation of the claims under the Doctrine of Equivalents.

The amendments to the specification do not present new matter. The present specification has been amended to properly refer to the new numbers in corrected Figures 7-9 attached hereto.

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The replacement drawings submitted herein also do not add new matter.

It is respectfully requested that the present Reply be entered into the Official File in view of the fact that the Reply automatically places the application in condition for allowance. Thus, the present Reply is believed to be in proper form for placing the application in condition for allowance. Also, the amendments herein address issues that are first raised in the outstanding Office Action, and were not made earlier, because the first indication to Applicants that the present amendments would be needed was in that Office Action. Therefore, entry of the present amendment is proper. Accordingly, based upon the above considerations, entry of the present amendment is respectfully requested.

In the alternative, if the Examiner continues with the rejections of the present application, it is respectfully requested that the present Reply be entered for purposes of an Appeal. The Reply reduces the issues on appeal by overcoming the rejections under 35 U.S.C. § 112, first paragraph and § 112, second paragraph. Thus, the issues on appeal would be reduced.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Election/Restrictions

Claims 22-25, as submitted with Applicants' reply of February 23, 2004, has been withdrawn from consideration as being directed to a non-elected invention. The Office Action on page 2 states that claims 22-25 are "directed to a species that is mutually exclusive of the originally claimed invention". Applicants respectfully traverse the withdrawal of claims 22-25, and request that the Examiner consider them a part of the elected invention.

Applicants respectfully submit that a search has already been done and that there is no undue burden on the Office. For instance, claim 22 depends on already considered claim 1, wherein the movable supports has already been searched and considered. Claim 22 merely recites that the claimed moveable supports are suspended hooks.

Applicants respectfully request that the Examiner consider the patentability of claims 22-25 as being within the elected invention.

Issues Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 2, 4, 5, 10 and 11 stand rejected under 35 U.S.C. § 112, second paragraph, for reasons of indefiniteness. Applicants respectfully traverse.

With regard to claim 1, Applicants respectfully refer the Examiner to claim 1 as presented wherein only one "the" appears.

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With regard to claims 4 and 5, "supporting materials" has been replaced with "moveable supports", wherein there is proper antecedent basis for moveable supports in the independent claim.

With regard to claim 21, this claim has been canceled, which renders this rejection moot. Applicants also respectfully refer the Examiner to claim 1 as presented. The moveable supports in claim 1 adapt independently to the shrinkage dimensions of the firing material during sintering.

Accordingly, Applicants respectfully submit that the disputed claims fully comply with the provisions of 35 U.S.C. § 112, second paragraph. Reconsideration and withdrawal of this rejection are respectfully requested.

Issues Under 35 U.S.C. § 112, First Paragraph

Claim 21 stands rejected under 35 U.S.C. § 112, first paragraph, for asserted lack of written description. Applicants respectfully traverse and reconsideration and withdrawal of this rejection are respectfully requested.

The Office Action questions how the movable supports are operatively connected to a support structure. However, claim 21 has been canceled rendering this rejection moot. Withdrawal of this rejection is respectfully requested.

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Applicants also respectfully refer the Examiner to pending claim 1 and to Figures 2, 4 and 5 of the present specification, wherein Track S is never in contact with the firing material. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Objection to Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.84(p)(4) because the same reference character number refers to different elements in the drawings. Applicants respectfully refer the Examiner to the corrected drawings submitted with this reply, wherein proper labeling is given to each Figure, and Figures 7-9 have the proper (consecutive) numbering. Consideration of the replacement drawings and withdrawal of this objection are respectfully requested.

Issues Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 2, 5 and 10 stand rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Thurnauer '352 (U.S. Patent No. 3,904,352). Applicants respectfully traverse both rejections, and reconsideration and withdrawal of these rejections are respectfully requested.

Applicants respectfully submit that patentable distinctions over the cited Thurnauer '352 reference do exist (for instance, see

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Applicants' reply of July 18, 2003, starting at page 11). Applicants submit that the materials in Thurnauer '352 are not the same as the features as instantly claimed. Still, Applicants respectfully refer the Examiner to the scope of claim 1 as presented. Claim 1 incorporates the subject matter of claim 21, and claim 21 is not at issue here. Thus, Applicants respectfully submit that these rejections have been overcome and/or are rendered moot. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

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required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachments: Replacement Drawings

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AMENDMENTS TO THE DRAWINGS

Attached hereto are six (6) sheets of corrected formal drawings that comply with the provisions of 37 C.F.R. § 1.84. The corrected formal drawings incorporate the following drawing changes:

Each Figure has been appropriately labeled. For instance, "Abbildung 1" has been replaced with "FIG. 1". Also, the reference numbers in Figures 7, 8 and 9 have been renumbered.

It is respectfully requested that the corrected formal drawings be approved and made a part of the record of the above-identified application.